

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ELBERT L. HASKINS,

Plaintiff,

v.

S. HIGUERA, et al.,

Defendants.

CASE NO. 1:20-cv-01429-AWI-JLT (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND
DISMISSING ACTION**

(Doc. No. 19)

Plaintiff Elbert L. Haskins is a state prisoner proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Eastern District of California Local Rule 302.

On August 1, 2021, the assigned magistrate issued an order granting Defendants' motion for an extension of time to file a responsive pleading to Plaintiff's complaint. Doc. No. 16. On August 18, 2021, the U.S. Postal Service returned the order as undeliverable to Plaintiff.

Pursuant to Eastern District of California Local Rule 183(b), if mail directed to a pro se plaintiff "is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing parties within sixty-three (63) days thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute." Although more than sixty-three days have passed since the U.S. Postal Service returned the magistrate judge's order, Plaintiff has failed to notify the Court of his current address.

Accordingly, on October 27, 2021, the assigned magistrate judge issued findings and recommendations, recommending that this action be dismissed without prejudice for Plaintiff's failure to prosecute. Doc. No. 19. The findings and recommendations were served on Plaintiff

1 and provided him fourteen days to file objections thereto. Id. at 2. Plaintiff has not filed any
2 objections, and the time do so has passed.¹

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
4 de novo review of this case. Having carefully reviewed the entire file, the Court concludes that
5 the findings and recommendations are supported by the record and by proper analysis.

6
7 **ORDER**

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations (Doc. No. 19) issued on October 27, 2021, are
10 ADOPTED in full;
11 2. This action is DISMISSED, without prejudice, for Plaintiff's failure to prosecute;
12 and
13 3. The Clerk of the Court is DIRECTED to close this case.

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15 IT IS SO ORDERED.

16 Dated: December 6, 2021



17 SENIOR DISTRICT JUDGE
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27 ¹ The U.S. Postal Service returned the findings and recommendations as undeliverable to Plaintiff on November 9,
28 2021. Pursuant to Eastern District of California Local Rule 182(f), if a *pro se* party fails to notify the court of a
change of address, "service of documents at the prior address [of record] of the . . . pro se party shall be fully
effective."